



317 George Street, Suite 320
New Brunswick, NJ 08901
Phone: 201.577.5175
Fax: 804.649.1762

Erica Mekles
Direct: 1.201.577.5196
Email: erica.mekles@bowmanandbrooke.com

June 24, 2022

VIA ECF AND E-MAIL

Hon. P. Kevin Castel
United States Courthouse Courtroom 11D
500 Pearl St.
New York, NY 10007

Re: Civil Action No. 1:22-CV-2134-PKC
Charles M. Agro v. Exactech, Inc., et al.

Dear Judge Castel:

Please allow this letter to serve as a joint formal request from the Parties that the Court continue the date of the Initial Pretrial Conference, currently scheduled for Monday, June 27, 2022, for the reasons set forth below.

Plaintiff filed his Complaint and Jury Demand on March 15, 2022 (Doc. 1). On May 13, 2022, the Court ordered that the Initial Pretrial Conference be adjourned until June 27, 2022, at 11:30 a.m. (Doc. 10). A Waiver of the Service of Summons dated May 24, 2022 was filed with the Court (*See* Exhibit 1, attached hereto). Exactech has not yet filed its response.

On June 14, 2022, Plaintiffs in pending matters against Exactech filed a Motion to Transfer before the United States Judicial Panel on Multidistrict Litigation, MDL No. 3044 (Doc. 1) seeking coordinated and consolidated pretrial proceedings for federal district cases, including this matter (*See* Exhibit 2, attached hereto). The MDL also set a briefing schedule (MDL No. 3044, Doc. 3).

Due to the motion to transfer and various deadlines set forth in the MDL briefing schedule, the Parties respectfully request that the Court enter an order continuing the Initial Pretrial Conference to allow the parties to meet and confer and/or resolve this case by way of the MDL.

We thank this Honorable Court for its attention in this regard.

Conference adjourned from 6/27/22 to
7/29/22 at 11 a.m.
SO ORDERED.
6/24/2022

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', is written over a horizontal line. Below the line, the name 'P. Kevin Castel' and the title 'United States District Judge' are printed in a black, sans-serif font.

P. Kevin Castel
United States District Judge

Hon. P. Kevin Castel
June 24, 2022
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Respectfully submitted,

MARC J. BERN & PARTNERS LLP

/s/ Armand J. Magardician

Armand J. Magardician, Esq.
Attorneys for Plaintiff

BOWMAN AND BROOKE LLP

/s/ Erica S. Mekles

Erica Mekles, Esq.
Attorneys for Defendant